

REMARKS

In the action of September 16, 2011, the examiner objected to claim 18, rejected claims 1-5 and 7 under 35 USC § 103 as unpatentable over Adamsson in view of Urbush; rejected claims 8 and 13-17 under 35 USC § 103 as unpatentable over Calabrese *et al* in view of Shipp and Urbush; and rejected claim 18 under 35 USC § 103 as unpatentable over Calabrese in view of Urbush.

In response to the examiner's action, the applicant has cancelled claim 18. Hence, the objection to the language of claim 18 is moot.

Applicant has further amended claims 1 and 8 to define over the newly cited combination of references applied by the examiner against each claim. Applicant again emphasizes the difference in the height of the rim of applicant's brushhead relative to the height of the lowest and tallest bristles of Adamsson. The claim language of claim 1 clearly states the relative relationship between the height of the top edge of the rim relative to the height of the lowest and tallest bristles determined from the base portion of the brushhead. Clearly, Adamsson does not show a rim 16 which is more than one-half the height of bristles 12 determined from the base portion surface 17.

The examiner's further position is that it would be obvious to modify the rim of Adamsson to meet the claimed limitations, yet has provided no reasonable evidence that such a position meets the requirements under 35 USC § 103. Note in particular that Adamsson is quite an old reference, almost 60 years old. There has apparently been no change/development in rim configurations relative to bristle height until applicant's invention. Also note that Adamsson is not directed toward, nor does it solve the problem addressed and solved by applicant, which is the use of a rim structure relative to bristle height to produce a "pumping action" for fluid moving off the bristles toward the teeth and gums. This action increases the cleaning effect of the toothbrush. The fluid is substantially all directed toward the teeth, resulting in possibly improved clinical benefits as well as improved sensory effect relative to the use. There is nothing in Adamsson to suggest that cleaning or sensory action can be improved by adjusting the height of the rim relative to the bristles, to direct fluid from the bristles toward the teeth, nor is the Adamsson structure as disclosed capable of doing so. All of this points away from

obviousness, not toward it. Hence, claim 1 clearly meets the requirements of 35 USC § 103, and should be allowed. Such action on the part of the examiner is respectfully requested. Since claims 3-5 and 7-10 depend from claim 1, those claims are also allowable.

Claim 8 has been amended to specifically state that the paddle members extend parallel with the neck portion of the brushhead, as clearly shown in Figure 5. This structural difference distinguishes claim 8 from Calabrese. Furthermore, claim 8 has been amended to more specifically reflect a structural configuration, *i.e.* the paddle members are structurally characterized in configuration and arrangement relative to the bristle field to produce movement of fluid from the toothbrush toward the teeth, *i.e.* again, a pumping action caused by the paddles, rather than contacting the teeth. This is opposed to the specific teaching of Calabrese, in which the wall-like members are structurally characterized so as to result in a physical contact between the wall members and the teeth. Hence, applicant's structure clearly teaches away from the teaching of Calabrese. While there is a difference in result set forth in applicant's claim language, it is based on a structural differentiation between applicant's device and the Calabrese structure. Hence, the language should be given patentable consideration. The Calabrese structure is structurally arranged so that any type of brushing contact results also in contact between the wall-like member and the teeth to produce polishing. This is opposite to applicant's claimed invention. Hence, claim 8 is allowable over the applied combination of references. Since claims 13-17 are dependent on claim 8, those claims are also allowable.

In view of the above, allowance of the application is respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 12-1470.

Respectfully submitted,

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